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OR,

An ABSTRACT

Of All the

PENAL LAWS

TOUCHING

Matters of Religion;

And the Several

Oaths and Tests

Thereby Enjoyned.

With Brief *OBSERVATIONS* thereupon.

By *HENRY CARE.*

The Second Edition, with Considerable Additions.

John xix. 7.——*We have a* LAW, *and by* OUR LAW *He ought to Dye.*

LONDON:

Printed by George Larkin, at the *Two Swans* without *Bishopsgate*;
And are to be Sold by most Booksellers. 1688.

Coll JRB

The Introduction.

SInce the Penal Laws touching Matters of Meer Religion, that so long have been the Efficient Cause, are now become the Subject Matter of Debate throughout the Nation; Whilst perhaps, scarce one in Ten of the Eager Contenders truly knows what these Penal Laws and Tests are; Or at least has not any perfect Idea of their full Extent and Nature, their grievous Unequal Penalties, and Destructive Effects; I thought it might at this Juncture be a Service not altogether Unacceptable, to draw up a fair Abstract or Compendium of all Those Laws; That so being Beheld at one Intire View, Judgment may be the better made of their Benefit or Inexpediency: To which end, I have added a few brief Observations very naturally (as I conceive) Resulting from the Premisses; And so submit the whole to the Christian Consideration of all Honest Unbiass'd Englishmen.

An

An Abſtract
OF
The Penal Laws.

NONE ſhall Enjoy any *Dignity* or *Office* Spiritual or Civil, nor take *Orders*, nor any *Degree* of *Learning*, but he muſt take the following *Oath*; And on Refuſal forfeits ſuch *Dignities* or *Offices*. Sta 1 El Cap

I. A. B. *Do utterly Teſtify and Declare in my Conſcience, That the* [*Kings*] *Highneſs is the only Supream Governour of this Realm, and of all other* [*His*] *Highneſſes Dominions and Countries, as well in* all Spiritual or Eccleſiaſtical Things or Cauſes, *as Temporal. And that no Foreign Prince, Prelate, State, or Potentate hath, or ought to have any Juriſdiction, Power, Superiority, Pre-eminence, or Authority* Eccleſiaſtical *or* Spiritual *within this Realm; And therefore I do utterly Renounce and forſake all Foreign Juriſdictions, Powers, Superiorities and Authorities, and do promiſe, That from henceforth I ſhall bear Faith and true Allegiance to the* [*Kings*] *Highneſs* [*His*] *Heirs and Lawful Succeſſors; and to my Power ſhall Aſſiſt and Defend all Juriſdictions, Priviledges, Pre-eminencies, and Authorities granted or belonging to the* [*Kings*] *Highneſs, His Heirs and Succeſſors, or United and Annexed to the Imperial Crown of this Realm. So help me GOD, and by the Contents of this Book.* The F the C Supre

By Speech or Writing to Affirm, Maintain, Promote, or Defend any Foreign Juriſdiction, Spiritual or Eccleſiaſtical, Forfeits for the *Firſt* Offence, all Goods and Chattels Real and Perſonal. For the *Second*, incurrs *A PREMUNIRE* [which by the *Stat.* 16. *Rich.* 2. *Cap.* 5. Imports Forfeiture of *Lands* as well as *Goods*, To be out of the *Kings Protection*, and *Impriſonment.*] And the *Third* Offence, is *HIGH TREASON.* Ibi Sec

A Miniſter refuſing to Uſe the Common Prayer-Book, or Uſing *any other* 1

Are not Church-uilty here ractising then is ed?

Rite, (*) *Ceremony*, *or Order* in open Prayers or Administration of the Sacraments, than what is preſcribed by the *Common Prayer-Book*, Forfeits *one Years profit* of his Living, and muſt be *Impriſoned for ſix Months*. For the *Second* Offence, utterly *Forfeits his Living*. And for the *Third*, is to be *Impriſoned during Life*.

Sect. 2. *and*

To declare or ſpeak any thing in the *Derogation*, *Depraving*, *or Deſpiſing of the Book of Common Prayer*, or *ANY THING* therein contained, or any part thereof, Forfeits 100 Marks, or ſix Months Impriſonment. For the *Second* Offence, 400 Marks, or 12 Months Impriſonment. And for the *Third*, all his Goods and Chattels, and to be Impriſoned during Life.

Sect.

Not hearing *Common Prayer* every Sunday Forfeits Twelve-Pence, beſides Cenſures of the Church.

t. 5. Cap.

To Maintain or Defend the Authority of the Biſhop or *See* of *Rome*, incurrs a *Premunire*.

So to Refuſe the *Oath of Supremacy* (which every Member of the Commons Houſe is Expreſsly required to take before he enter the Houſe) is alſo a *Premunire*; And being once Convict in either of thoſe Caſes, the *Second* Offence or Refuſal is made *HIGH TREASON*.

5. Cap.

If a Perſon Proſecuted in any Eccleſiaſtical Court, for any matters of Hereſy, or refuſing to have his Child Baptized, or not coming to Church, or for any Errors in matters of Religion, be *Excommunicated*, if taken he muſt lye in Priſon; if he cannot be taken on the Writ *De Excommunicato Capiendo*, a *Capias* and *Proclamation* ſhall iſſue; and if the Party do not render himſelf within ſix days, he Forfeits 10 *l*. And then another *Capias* and *Proclamation* on which he forfeits 20*l*. And ſo *Capias* after *Capias* infinitely, and on every one a forfeiture of 20*l*.

t. 13. Cap.

To Reconcile, or be Reconciled to the Church of *Rome*, or to obtain or put in uſe any Bull from thence is *HIGH TREASON*.

To bring into *England* or receive any *Agnus Dei's*, *Croſſes*, Pictures, &c. from the Biſhop of *Rome*, incurrs a Præmunire.

12.

Every Prieſt or Miniſter that ſhall not openly read and declare his unfeigned Aſſent to, and Subſcribe the 39 Articles; or that ſhall maintain any Doctrine contrary to the ſaid Articles, ſhall loſe his Living.

t. 23. Cap.

To withdraw any Subjects from the Eſtabliſht Religion, to the Romiſh Religion, or to be withdrawn or Reconciled is made *HIGH TREASON*, and Miſpriſion of Treaſon in the Aider or Concealer thereof.

Saying Maſs forfeits 200. Marks and Impriſonment for one year, and thence forwards

forwards till the 200. Marks be paid, and to hear Mass 100 Marks, and a years Imprisonment.

Every Person above 16 years old, that forbears coming to Church one Month forfeits 20 l. and besides shall be bound with Sufficient Sureties in 200 l. to be of the Good Behaivour.

Keeping a School-Master that does not go to Church, forfeits 10 l. *per* Month, and the School-Master to be Imprisoned a year, and disabled to Teach.

And notwithstanding the Penalties of this Act, the Spiritual Courts may proceed against such Offenders.

Every Jesuite, Seminary or other Priest, Religious or Ecclesiastical Person, born within the Kings Dominions, and Ordain'd or Professed without the Realm, or within, by any Authority derived from the See of *Rome*, that shall come in to or remain within this Realm, or other his Majesties Dominions, shall be adjudged and suffer as a *TRAYTOR*. **Stat. 27. Eliz. Cap. 2. ff. 3. and 4.**

And to Receive, Harbour or Relieve any such Priest is *FELONY*, without Benefit of the Clergy.

To send Relief to any Jesuit, Priest, Colledge, or Seminary beyond the Seas, Incurrs a Premunire.

Assurances made by Recusants in Trust shall be void, as to the forfeitures of 20 *l.* a month for not coming to Church; and after a man is once Convicted of that Crime, If he do not without any other Conviction, thence forwards (till he Conforms) pay after the rate of 20 *l. per* Month into the Exchequer, all his Goods and two parts of his Lands shall be seized. **Stat. 31. Eliz. Cap. 6.**

For preventing such great Inconveniences and Perils as might happen and and grow by the wicked and dangerous Practices of Seditious Sectaries and Disloyal Persons, it is Enacted, That if any Persons above Sixteen years of Age, that shall forbear coming to Chuch for one Month, shall either move or perswade any other Person to abstain from hearing Divine Service, or receiving the Communion according to Law. Or to come to any unlawful Assemblies, Conventicles or Meetings; every such Person shall be Imprisoned without Bail until he Conform, and do in some Church make this open Submission following, *viz.* **Stat. 35. Eliz. Cap. 1.**

§. 5 *The Form of Submission.*

I A. B. *Do humbly Confess and Acknowledge, that I have greviously offended GOD in contemning* [*His*] *Majesties Godly and Lawful Government and Authority by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm: And in using and frequenting disordered and unlawful Conventicles and Assemblies under pretence and colour of Exercise of Religion. And I am heartily sorry for the same, and do acknowledge and testify in my Conscience, That no other Person hath, or ought to have any Power or Authority over* [*His*] *Majesty; And I do Promise and Protest without any Dispensation, or any colour or means of any Dispensation, That*

from henceforth I will from time to time Obey and Perform [*His*] *Majesties Laws and Statutes in repairing to the Church and Divine Service, and do my uttermost endeavour to maintain and defend the same.*

And if the party do not Conform and make this Submission within Three Months after Conviction, then being required by any Justice of Peace, He or She shall in open Court (at the Assizes or Sessions) Abjure the Realm of *England*, and all other the Kings Dominions; and so shall depart out of the Realm within such time as the Court shall Assign: And by such Abjuration shall lose and forfeit all Goods and Chattels for ever, and Lands and Tenements during Life.

But if such Party either Refuse to Forswear the Land, or do at any time after such Abjuration Return or come into *England*, or any of His Majesties Dominions, then he shall be Hang'd as a *Felon*, without Benefit of Clergy.

Onely no married Woman, nor any Popish Recusant, is obliged to Abjure by this Act.

☞ Note, That this was the first Statute expresly made after the Reformation, against Dissenters; And being by many *Learned Gentlemen* of the *Long Robe*, thought to be Expired for want of a due Continuance; The Church of *England*, loth to lose such a pretious piece of its Artillery, took care to procure a Statute *16 Car. 2. Cap. 1.* whereby the same is not only declared to be in full force; but pursuant to that Example, Transportation of Dissenters is *de Novo* ordained, as you will find in its proper place.

Stat. 35 Eliz. Cap. 2.

Every Recusant shall be confin'd within Five Miles of his own dwelling, and if he go further, forfeits all his Goods and Chattels; and likewise his Lands and Tenements, for his own Life. And those of small Abilities not repairing to such place as shall be appointed for them, or departing thence, shall *ABJURE* the Land. Which if they refuse to do, or come again, then to suffer *DEATH* as *FELONS*, without benefit of Clergy.

Stat. 1 Jac. 1. Cap. 4.

For any to send their Child, or any other under ther Tuition or Government, beyond the Seas to any Colledge to be instructed in the Popish Religion, forfeits 100*l.* and every Person so sent, is disabled to Inherit or Enjoy any Lands, Tenements, or Goods; or to Claim or Sue for any Debts, *&c.* unless he Conform to the Chuch of *England*.

Keeping or being a School-Master in a Recusants House, or not being duely Licens'd, both forfeit 40*s.* a peice for every day.

Stat. 3 Jac. 1. Cap. 4.

A Recusant, tho coming to Church, yet if He or She do not once a year receive the Sacrament at Church, forfeits 20*l.* the first year, 40*l.* the second year, and 60*l.* for every year after.

Every

Every Person once Convicted of not repairing to Divine Service, forfeits thenceforwards 20*l.* every Month, untill He or She Conform. But the King may refuse the 20*l. per* Month, and instead thereof take Two Thirds of all the Parties Lands, Leases, *&c.*

Any Bishop in his Dioces, or Two Justices, may require any Persons, above Eighteen years old, (except Nobles) to take the Oath following. §. 13.

The Oath of Obedience, commonly called, The Oath of Allegiance.

I A.B. *Do truely and sincerely acknowledge, profess, testify and declare in my Conscience before God and the World; That our Soveraign Lord King* James *is lawful and rightful* King *of this Realm, & of all other His Majesties Dominions and Countries: And that the Pope neither of himself, nor by any Authority of the Church or See of* Rome, *or by any other means with any other, hath any Power or Authority to Depose the King, or to dispose any of His Majesties Kingdoms or Dominions, or to Authorise any forreign Prince to Invade or annoy Him, or His Countries: Or to discharge any of His Subjects of their Allegiance and Obedience to His Majesty; Or to give Licence or leave to any of them to bear Arms, raise Tumult, or to offer any violence or hurt to His Majesties Royal Person, State, or Government, or to any of His Majesties Subjects within His Majesties Dominions.*

Also I do swear from my heart, that notwithstanding any Declaration, or Sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope or his Successors; or by any Authority derived, or pretended to be derived from him or his See, against the said King his Heirs or Successors; Or any Absolution of the said Subjects from their Obedience; I will bear Faith and True Allegiance to His Majesty His Heirs and Successors, and Him & Them will defend to the uttermost of my Power against all Conspiracies and Attempts whatsoever, which shall be made against His or Their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise; and will do my best endeavour to disclose and make known unto His Majesty His Heirs and Successors, all Treasons and Traiterous Conspiracies which I shall know, or hear of to be against Him or any of Them.

And I do further Swear, that I do from my heart Abhor, Detest and Abjure as Impious and Heretical, this damnable Doctrine and Position, That Princes which be Excommunicated or Deprived by the Pope, may be Deposed or Murdered by their Subjects, or any other whatsoever.

And I believe, and in my Conscience am resolved, That neither the Pope, nor any other Person whatsoever, hath Power to absolve me of this Oath, or any part thereof; which I acknowledge by good and lawful Authority to be lawfully ministred unto me; and do renounce all Pardons and Dispensations to the contrary.

And these things I do plainly and sincerely Acknowledge and Swear, according to these expres words by me spoken, and according to the plain and common sence and understanding of the same words; without any Equivocation, or mental Reservation whatsoever; And I do make this Recognition and Acknowledgement Heartily, Willingly, and Truely, upon the true Faith of a Christian; so help me God.

The

The Punishment for refusing this *Oath*, is first to be committed to Goal, till next Assises or Sessions; and then, being again tender'd in Court, he that denies to take it, incurs a *PRAEMUNIRE*.

§. 22. To Reconcile any Subject to the *Pope*, or *See of Rome*, or move any to promise obedience to any Authority of the Roman See; Or to be so Reconciled, or so Promise Obedience thereunto, is *HIGH TREASON* in both the parties, and their Aiders Maintainers, *&c.* knowing the same.

§. 27. Twelve Pence every Sunday for not coming to Church, shall be Levied by *distress* on the Parties Goods.

§. 33. Every Person that shall Relieve, Harbour, Keep, or suffer any Person in his or her House, that shall *not repair to Church* once a Month, forfeits 10*l.* *per* Month; and if such Person be kept as a *Servant*, then the Master to forfeit 20*l.* *per* Month.

And the power of Ecclesiastical Censures is still reserv'd over and above.

Stat. 3. Jacobi. r. Cap. 5. No Popish Recusant Convict shall come into *the Court* or House where the King, or Heir apparent to the Crown, shall be (without special warrant) on pain of forfeiting 100*l.* for every Offence.

§. 8. No Recusant shall practice the *Law*, Common or Civil, in any Quality; nor *Physick*; Nor be an *Apothecary*, nor be *Judge*, *Clerk*, or *Steward* of any Court, nor bear Office or Charge *Military*, nor command in any Ship, Castle, or Fort; but be utterly disabled, and forfeits 100*l.* for every Offence.

§. 9. No Popish Recusant Convict, nor any having a *Wife* that is a Popish Recusant, shall at any time exercise any publick *Office* or *Charge* in the Common-Wealth, But shall be utterly disabled to exercise the same by himself, or his *Deputy*; except such Husband himself and his Children, which shall be above the Age of Nine Years abiding with him, and his Servants, once every Month at the least, repair to some Church, and there hear Divine Service; And the said Husband, and such his Children and Servants as are of meet Age, receive the *Sacrament* of the Lords Supper, at such times as are limited by the Laws of this Realm.

§. 10. Every *Married Woman* being a Popish Recusant Convict, that shall not Conform, and hear *Divine Service*, and take the Sacrament, within the space of one whole year next before the Death of her Husband, shall forfeit two parts of her *Joynture*, and two parts of her *Dower*; And also is disabled to be Executrix, or Administratrix to her said Husband, or to have or demand any part or portion of her said late Husbands *Goods* or *Chattels*, by any Law, Custome, or Usage whatsoever.

Every

Every Popiſh Recuſant Convicted, ſhall ſtand and be reputed to all Intents and Purpoſes diſabled, as a Perſon lawfully and duely *Excommunicated*; And whoever ſhall happen to be ſued by any ſuch Perſon, may plead ſuch *Conviction*, in diſablement of the Plantiff. §. 11.

Perſons *Married* otherwiſe then in ſome open Church or Chappel, and otherwiſe than according to the Orders of the Church of *England* by a Miniſter lawfully authorized, the *Man* ſhall be diſabled to be Tenant by the *Courteſy* of *England*, And the *Woman* utterly Excluded not only to claim any *Dower*, or *Joynture*, but alſo of her *Widdows Eſtate* and *Frank Bank*, in any Cuſtomary Lands, or to have *any part* of her Husbands *Eſtate* whatſoever; And for thoſe that have no Lands, Every Man Married otherwiſe than by the Church of *England*, forfeits 100 *l.* §. 13.

Widows muſt ſtarve, rather than the Parſon loſe his Fees.

A Recuſant not having his or her *Child Baptized* by a lawful Miniſter, and according to the *Church of England*, within One Month after it is Born, forfeits 100 *l.* §. 14.

A Recuſant (not Excommunicated) *Buried* elſewhere than in a Church, or Church-Yard, or not according to the Eccleſiaſtical Laws of this Realm, his or her Executors or Adminiſtrators, or the party that cauſes him or her to be ſo Buried, ſhall forfeit 20 *l.* §. 15.

Children of any Subject ſent to be *Educated* beyond Seas, (without ſpecial Licence) ſhall have no Benefit of any *Gift*, *Conveyance*, *Deſcent* or *Deviſe*, of any Lands or Goods, till being of 18. years old they take the Oath of *Allegiance*, and Receive the Sacrament, according to the Church of *England*, And Perſons that ſo ſend their Children, forfeit for every Child 100 *l.* §. 16.

Every Recuſant is diſabled to Preſent to any *Benefice*, with or without *Cure*, *Prebend*, or any other Eccleſiaſtical Living, or to Collate, or Nominate to any *Free-School*, Hoſpital, or Donative; Or to grant any *Avoidance* to any Benefice, Prebend or other Eccleſiaſtical Living. §. 18.

Recuſants Convicted are diſabled to be *Executors* or *Adminiſtrators* to any Perſons, Or to be Guardians to any Child. §. 22.

To bring from beyond the Seas, or Print, Sell or buy any Popiſh *Primmers*, *Ladies Pſalters*, *Manuals*, *Roſaries*, Popiſh *Catechiſms*, *Miſſals*, *Breviaries*, *Portals*, *Legends*, and *Lives of Saints*, containing Superſtious matter, Printed or written in any Language whatſoever, or any other Superſtitious Books Printed or Written in the *Engliſh* Tongue, forfeits 40 *s.* for every ſuch Book. §. 25.

All Perſons above Eighteen years old, *Women* as well as men, ſhall take the *Oath of Allegiance* [before at large recited] on pain of Impriſonment for the Stat. 7. Jacobi. 1. first Cap. 6.

first, and incurring a *Premunire* for the second Refusal, except *Married Women*, who shall be committed only to Prison, there to remain without Bail, or Main-prise, till they will take the said Oath

§. 27. Every Person Refusing to take the said Oath, shall be disabled to all Intents and Purposes, to execute any publick place of Judicature, or bear any other Office, or to practice the Common *Law*, *Physick*, *Surgery*, the Art of an *Apothecary*, or any Liberal Science.

§. 28. If any *Married Woman*, Convicted for not coming to Church, shall not within Three Months after such Conviction, Conform, come to Church, and Receive the Sacrament, She shall be Committed to *Prison*, there to remain without Bail or Main-prise, untill she do it, unless her Husband shall pay 10*l. per* Month, or the third part of all his Lands and Tenements to the King, and so long, and *no longer* than he so pays it, may she be at Liberty.

Stat. 3. Car. 1. C. 2. Any Person that has been bred, or sends any Child or other Person to be bred beyond the Seas in any Popish University, School, Seminary, or Family; Or that shall Send or Convey, by any means whatsoever, any *Money* or other thing towards the maintainance of any Child, or other Person there; or under the name or colour of any *Charity*, Benevolence, or Alms, towards the Relief of any Abby, Nunnery, Colledge, School, or Religious House whatsoever, shall for the same be disabled to bring or maintain *any Suit* at Law, or in Equity; or to be capable of any *Legacy* or *Deed of Gift*, or to bear any Office; And besides shall absolutely lose and forfeit all his *Goods and Chattels*, and all his *Lands* too, during his own Life.

Only a person so sent, if within six Months after his return into *England*, he Conform and Receive the Sacrament, may avoid these *Penalties* for so long as he continues in such Conformity.

Stat. 13. Car. 2. Cap. 1. §. 12. No persons shall for ever hereafter be chosen into any Magistracy or Office in any *Corporation*, that shall not within one year next before such Election have received the *Sacrament*, according to the Rites of the Church of *England*, and shall likewise take the Oaths of *Supremacy*, *Allegiance*, &c.

Stat. 13. and 14. Car. 2. Cap. 1 If any Person or Persons who maintain that the taking of *an Oath* is altogether unlawful, and contrary to the Word of God, shall wilfully refuse to take an Oath, where, by the Laws of the Realm *he* or *she* is bound to take the same, being duely tendred; or shall endeavour to perswade any other Person, to whom any Oath shall be lawfully tendred, to refuse and forbear taking the same; or shall by Printing, Writing or otherwise, go about to maintain and defend, that the taking of an Oath in any case whatsoever is altogether unlawful; Or if Five or more of the People called *Quakers*, shall at any time meet for *Religious Worship*; for every or any of these Crimes, *They* shall forfeit for the first Offence, what shall be *Imposed*, not exceeding 5*l.* for the second

cond not exceeding 10 *l.* to be leavied by Diſtreſs and Sale; and for want of ſuch Diſtreſs, or Non-payment of the fine within one Week, the party to be ſent to the common Goal or *Houſe of Correction*; for the firſt Offence, Three Months; and for the ſecond, Six Months, there to be kept at hard Labour; and for the third Offence, muſt *ABJURE* the Realm, or be *TRANSPORTED.*

No *Peer*, or other Perſon, ſhall be capable of acting as Lord Lieutenant of any County, Deputy Lieutenant, Officer, or Soldier, unleſs he firſt take the Oaths of *Allegiance* and *Supremacy*, &c. Stat. 13 and 14. Car. 2. C 3. ſſ. 18.

Every Perſon that ſhall be Preſented or put into any Eccleſiaſtical Benefice or Promotion, ſhall in the Church or Chappel thereto belonging, within Two Months after he is in actual Poſſeſſion thereof, upon ſome Lords Day, openly, publickly and Solemnly *Read the Morning and Evening Prayers* according to the Book of Common-Prayer; and then openly before the Congregation, teſtify his approbation thereof, in theſe words and no other: Stat. 1 and 14. Car. 2. Cap. 4.

I A. B. Do here declare my unfeigned Aſſent and Conſent to *ALL* and *EVERY THING* contained and preſcribed in and by the Book entituled, The Book of Common-Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church, according to the uſe of the Church of England, Together with the Pſalter or Pſalms of *David*, pointed as they are to be ſaid or Sung in Churches, and the form or manner of making, Ordaining, and Conſecrating of Biſhops, Prieſts and Deacons. The Clergy-Teſt.

For want of making this Declaration, he ſhall be abſolutely deprived *Ipſo Facto* of all his Spiritual Promotions; And others may be put in, as if he were Dead.

All Deans, Canons, Prebendaries, Maſters, Heads, Profeſſors, Readers, Fellows, Chaplains, and Tutors in any Colledge, Houſe of Learning, or Hoſpital; And every Parſon, Vicar, Curate, Lecturer, and every other Perſon in Holy Orders, and every Schoolmaſter or Teacher of Youth in any private Family, muſt at his Admiſſion ſubſcribe this Declaration: §. 5.

I A. B. Do declare, That it is not lawful, upon any pretence whatſoever, to take Arms againſt the King; and that I do Abhor that Traiterous Poſition, of taking Arms by his Authority againſt his Perſon, or againſt thoſe that are Commiſsionated by Him; AND THAT I WILL CONFORM TO THE LITURGY OF THE CHURCH OF ENGLAND, AS IT IS NOW BY LAW ESTABLISHED. Another Teſt for all Clergymen and Scholars.

Every one failing or refusing so to Subscribe, forfeits his *Living*, *Place or Office*; And a Schoolmaster acting without it, and a License, shall for the first Offence suffer Three Months Imprisonment, and for every subsequent Offence, the same; and also forfeit 5 *l.* to the King

§. 14. None shall be capable of any Parsonage, Vicarage, Benefice, or other Ecclesiastical Promotion, nor presume to consecrate the Sacrament, that has not Episcopal Ordination according to the form prescribed in the Book for that purpose, unless he have formerly been made Priest by Episcopal Ordination, upon pain of forfeiting 100 *l.* and not to be admitted into the Order of Priest for one whole year following.

☞ It may perhaps not be improper here to Insert (tho omitted in our first Edition) some Clauses of the Act about *Printing*; since the same does at least Indirectly concern Religion. and many have been severely punisht thereupon for Books and Papers meerly Religious, and no way affecting the *Civil State*.

Stat. 14. Car. 2. Cap. 33. §. 2. None in *England*, or any other of his Majesties Dominions, shall presume to *Print* any Books or Pamphlets, wherein any Doctrine or Opinion shall be asserted or maintained, which is contrary to the CHRISTIAN FAITH; or the DOCTRINE or DISCIPLINE of the Church of *England*; or which may tend to the Scandal of the Church, or the Government or Governours of the Church, *&c.*

§. 3. No Books of *Divinity*, *Physic*, *Philosophy*, or whatsoever other Art or Science, shall be *Printed* or *Reprinted* without being Licens'd by either the Arch-Bishop of *Canterbury*, or Bishop of *London*, or one of their Appointments. And the Licenser must Testify under his Hand (which must be Printed with the Book) That there is not any thing in the same contained that is contrary to the *Christian Faith*; or the DOCTRINE or DISCIPLINE of the CHURCH OF ENGLAND.

§. 16. All Persons Offending, shall for the *first Offence*, be Disenabled from Exercising their *Respective Trades* for Three Years. And for the *second*, Shall *for ever* thenceafter be Disabled to Use or Exercise *Printing* or *Founding*. And shall also have and receive such further Punishment by *Fine*, *Imprisonment*, or other *Corporal* Punishment, not extending to *Life* or *Limb*, as the Court shall Adjudge.

Stat. 15. Car. 2. Cap. 5. Every Vestry-Man must make the like Declaration, not only **That it is not lawful on any pretence to take Arms against the King, and that he abhors that Traiterous Position, of taking**

king Arms by his Authority against his Person, or those Commissionated by him; but also, That he will Conform to the Liturgy of the Church of England, as it is now by Law establisht. *Vestry-men TESTS*

The Act of the 35 of Elizabeth before recited, is declared to be still *in force*, and that it ought to be put in due Execution. Stat. 1 Car. 2 C. 4. §. 1

Any person above Sixteen years old, present at any Meeting under pretence of Exercise of Religion, in other manner then is allow'd by the Liturgy or practice of the Church of *England*, where there shall be present five Persons or more, above those of the Household, upon proof thereof made, either by Confession of the party, or Oath of witness, or notorious evidence of the Fact, the Offence shall be *Recorded* under the hands of two Justices, or the chief Magistrate of the place, which shall be a *perfect Conviction*; who thereupon may send such person to Jail, or the *House of Correction*, for any time not exceeding Three Months, unless *he* or *she* pay down so much money, not exceeding 5 *l.* as the said Justices or Chief Magistrate shall impose. §. 3.

For the second Offence, Imprisonment, not exceeding Six Months; unless money paid, not exeeeding 10 *l.*

For the Third Offence to be sent to the Goal, or *House of Correction*, there to remain until the next Sessions or Assises, and then to be Indicted, and being thereupon found Guilty, the Court shall enter *Judgement of Transportation* against such Offenders, to some of the forreign Plantations (*Virginia* and *New-England* only excepted) there to remain Seven Years, and Warrants are to issue to sequester the profits of their *Lands*, or to distrain and sell their *Goods* to defray the Charges of their Transportation; and for want of such charges being paid, the Sheriff may contract with any Master of a Ship, or Merchant, to *Transport* them; and then such Prisoner must be a *Servant* to the Transporter or his Assigns (that is, whoever he will sell *him* or *her* to for five years,) ——— But upon paying down 100 *l.* the Transportation may be discharged. §. 5.

If any under such Judgement of Transportation, shall escape, or being Transported, return into any part of *England*, they must suffer *DEATH* as *FELONS* without benefit of Clergy.

Only a *Married Woman* shall not be Transported, unless her Husband be at the same time under the like Judgement; for otherwise she shall be sent to the Common *Goal*, or *House of Correction*, for such time, not exceeding Twelve Months, as the Court shall think fit; unless her Husband pay down so much Money, not exceeding 40 *l.* as they shall require. §. 14

To refuse to take an *Oath*, when serv'd with process as a witness or Juryman, *&c.* Or being present in Court to refuse to take any *Judicial Oath* legally tendred, incurs the like Penalty of *Transportation* as aforesaid. §. 12

All

Stat. 17. Car. 2. Cap. 2.

All Persons in Holy Orders, or pretended Holy Orders, who have not declared their *Assent and Consent* to the Common-Prayer-Book, according to the Act for Uniformity; and shall not likewise take and subscribe the following *Oath*, viz.

The Test excluding Non-Conforming Ministers from Corporations.

I A. B Do swear that it is not Lawful upon any pretence whatsoever, to take Arms against the King; And that I do abhor that Traiterous position, of taking Arms by his Authority, against his Person, or against those that are commissionated by him, in pursuance of such Commissions; And that I will not at any time endeavour any alteration of Government either in Church or State.

Together with all such as shall take upon them to *Preach* in any Conventicle or *Meeting* for exercise of Religion contrary to Law, shall not (unless only in passing the Road) come, or be within five Miles of any City, Town Corporate, or Burrough, that sends Burgesses to Parliament, nor within five Miles of any Town or place where they have Officiated, or taken upon them to Preach; upon pain of forfeiting 40 *l.* for every such Offence.

Nor shall any Person so restrained, or who shall not take the said Oath, and frequent Divine Service, Teach any School, or take any *Boarders* or *Tablers* that are taught by any other, on pain likewise of forfeiting 40 *l.* And two Justices upon Oath made of any Offence against this Act, shall commit the Offender for Six Months without *Bail* or Main-prise.

Stat. 22. Car. 2. Cap. 1

One Justice or chief Magistrate shall on oath of two Witnesses, make a Record of a Conventicle where any five Persons above Sixteen years of Age (besides those of the same Household) shall be Assembled for Exercise of Religion in any other manner then according to the Liturgie and practice of the Church of *England*; which Record shall be a Conviction, and thereupon a fine of 5 *s.* shall be Imposed upon every Offender; which must be certified to the next Quarter Sessions: And for the second, and every other Offence, 10 *s.* a peice; which in case of Poverty, may be leavyed on any other Persons Goods, present at the same Conventicle.

To exceed ..., in many ...ces Juries ...re directed ... find Peace-...e Religious ...eetings to be ...ots, and then ... Court could ...e at plea-...e.

The Preacher forfeits for the first Offence, 20 *l.* And 40 *l.* afterwards, which may be leavyed on any of the Hearers.

He or She that suffers a Meeting to be in his or her House, Barn, or Yard, forfeits 20 *l.* which may be likewise leavyed on the Goods of any present.

Provided that no person pay above 10 *l.* (*) for any one Meeting, in regard of the *Poverty* of any other Person or Persons.

Forfeitures incurr'd by *married women*, shall be levied on their *husbands goods*.

Note,

Note there is a clause in this Statute which 'tis conceiv'd does fully Assert and Reserve his Majesties *Right* of dispensing with the Execution thereof, and consequently with other like *Coercive Laws* concerning *Matters of Religion*, by vertue of his *Ecclesiastical Supremacy*; in these words ———

Provided that neither this Act, or any thing therein contained, shall extend to Invalidate, or avoid His Majesties Supremacy in Ecclesiastical Affairs; But that His Majesty and His Heirs and Successors may from time to time, and at all times hereafter, exercise and enjoy all Power and Authority in Ecclesiastical Affairs, **as fully and as amply as Himself or any of His Predecessors have or might have done the same; any thing in this Act notwithstanding.**

Stat. 2 Car. 2. Cap. 2.

All Persons (as well Peers as Commoners) that shall be admitted, Entred Placed or taken into any Office, Civil or Military, or shall receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant from his Majesty, or that shall have Command or place of Trust, in *England*, *Wales*, *Berwick*, the Isles of *Jersey* or *Guernsey*; or admitted to any Service or Employment in his Majesties Household, shall in the next Term or next Sessions, after such admittance, publickly in open Court take the several Oaths of *Supremacy* and *Allegiance* before-recited; and at the same time produce a Certificate of his having received the Sacrament of the Lords Supper, according to the Usage of the Church of *England*, within three months, in some publick Church, under the hands of the Minister and Church-wardens, and make proof thereof by two Credible Witnesses at least, upon Oath; and likewise shall then make and subscribe this Declaration following:

The gene Test for all Command Office, Trust.

I A. B. Do declare, that I do believe, that there is not any Transubstantiation in the Sacrament of the Lords Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof, by any person whatsoever.

Every one that shall refuse or neglect to take the said Oaths, or to receive the *Sacrament*, or to make the said *Declaration*, and yet shall afterwards execute any of the said Offices or Imployments, shall from thenceforth bee disabled, First, To sue or use any Action, Bill, Plaint or Information in Courts of *Law*, or to prosecute any Suit in any Court of *Equity*. Secondly, To be *Guardian* of any Child, or *Executor* or *Administrator* of any person. Thirdly, Or to be capable of any *Legacy* or *Deed* of *Gift*. Fourthly, To bear any *Office*: Fifthly, Shall moreover Forfeit 500 l.

If it

If any not bred up from their Infancy in the *Popish Religion*, and professing themselves to be *Popish Recusants*, shall breed up, instruct, or suffer his Children to be Instructed and Educated in the *Popish Religion*; such Parents shall thenceforth be disabled to bear any *Office* or Place of Trust or Profit in Church or State; And all such Children so educated are also utterly disabled of bearing any such *Office* or *Place*, till reconciled to the Church of *England*, they take the Oaths of *Supremacy* and *Allegiance*, and the *Sacrament* according to Law, obtaining a Certificate from two Justices thereof; And likewise shall make and sign the said Declaration or *Test*.

Stat. 30. Car. 2. c. 2. Cap. 1.

For preventing the Increase and Danger of *Popery*, and for the *Safety of his Majesties Royal Person and Government*, It is Enacted, That none that is or shall be a *Peer* of the Realm, or Member of the House of Peers, shall vote, or make his Proxy in the House of Peers, or *Sit* there during any Debate; Nor any that is or shall be a Member of the *House of Commons*, shall *vote* or sit (during any debate) in that House, after their Speaker is chosen, untill they respectively at the Table, in a full House, have taken the Oaths of *Supremacy* and *Allegiance*, and made, Subscribed, and audibly *repeated*, this Declaration following.

The Parliamentary TEST.

I A. B. do solemnly in the presence of God, Profess, Testify and Declare, That I do Believe that in the Sacrament of the Lords Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever. And that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do solemnly in the Presence of God, profess, testify and declare, That I do make this Declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever; and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever; Or without thinking that I am, or can be Acquitted before God or man, or absolved of this Declaration, or any part thereof, altho the Pope, or any other person or persons, or Power whatsoever, should dis-

dispense with, or Annull the same, or declare that it was Null and Void from the Beginning.

Every Peer of this Realm, and Member of the House of Peers, and every Peer of *Scotland* or *Ireland* (of 21 years of Age or upwards) and every Member of the House of Commons that shall not have taken the said Oath and Test, and every Recusant Convict, who shall come into the King or Queens Presence, or where they reside, shall 1. Be adjudged a Popish Recusant Convict, to all intents, and forfeit and suffer as such; And 2. Shall be Disabled to hold or Execute any Office or Place of Profit or Trust, Civil or Military; Or 3ly. To Sit or Vote in either House of Parliament, and their Places in the *Commons House* to be supplyed by Writs to be Issued by Warrants from the Speaker for new Elections. 4ly. Are disabled to maintain any Action or Suit at Law, or in Equity; Or 5ly. To be Guardian to any Child, or Executor or Administrator of any Person; or capable of any Legacy, or Deed of Gift; And besides shall forfeit for every Offence against this Act, the Sum of 500 l.

And either House may order or cause all or any of its Members, openly to take the said *Oaths*, and subscribe the said *Declaration*, at such times and in such manner as they think fit.

Having thus given an impartial Abridgment *of the* Penal Laws *about Religion, I shall now (in discharge of my Promise in the* Introduction*) proceed to offer some brief* Observations *thereupon.*

Obſervations.

THeſe, my *honeſt Country-men*! are thoſe LAWS, theſe the *ſo much celebrated* TESTS, and theſe the reſpective PENALTIES attendant thereon; Which *the King is* graciouſly pleaſed to *Diſpenſe* with at preſent, and deſirous to have (in a *Legal* manner) Abrogated for *ever*; That it may not at any time hereafter, lie in the Power of an *angry Prieſt*, or a *Peeviſh Juſtice*, or a *malicious Neighbour*, or a *beggarly Informer*, to Jail your *Perſons*, or Ravage your *Goods*, meerly for not *thinking as they would have you*; or for not playing the *Hypocrites*, both to God and the World, by enforc'd Compliances, that you have always avow'd your *Conſciences* could not admit of.

Talia recitaſſe eſt Confutaſſe.

The bare *Repetition* of ſuch Unreaſonable *Acts* ſhould (one would think) be Reaſon enough to perſuade *a Repeal* of them; Eſpecially to *Proteſtant Diſſenters*; who as they are moſt concern'd, as having ſo much already *Smarted* by them, muſt be Intoxicated beyond the Reclaim of *Hellebore*, If by any *little Arts*, wild *Jealouſies*, incertain *Hopes*, or ill *Surmiſes*: They (in oppoſition to Gods wonderfull *Providence*, their Princes unexpected *Favour*, and all the Obligations both of *Gratitude* and *Intereſt*) ſhall ſuffer themſelves ſo far to be *Inveigled*, as not to Exert their moſt *Strenuous Endeavours* towards flinging away thoſe *Rods* that have but the other day ſo ſevere ly *Laſht* them; And which (if continued) they may juſtly apprehend, will hereafter prove *Scorpions* both to themſelves and their Poſterity.

But ſince there are *Eyes* ſo weak as cannot without the Aid of SPECTACLES read the moſt perſpicuous PRESENT *Truths*, much leſs penetrate into *Futurities*, eſpecially when ſo many

many MISTS are industriously rais'd by a grand Party of *self-interested People* to BECLOUD and mislead them; I thought it might not be *unseasonable* to add a few NOTES; which, perhapps, may somewhat conduce to the better understanding of the *whole* matter.

I. It cannot be denied but these *Coercive Statutes* about RELIGION, are formidable for their very *Bulk*, no less than THREE or FOUR and TVVENTY in Number, each consisting of variety of *Clauses* and *Penalties*. Now 'tis a Rul'd Case; *In pessimâ Republicâ plurima Leges*; That an Over-grown *Multitude of Laws, is a Symptome of a great Depravation of manners*; That *Body Politick* being but in a *Crasie* Condition, which has need of such *frequent Physic*. Nor can *any Church* much recommend it self, by urging the *Need* it has of *such* Supporters.

But, after some *Speculative Wits* had *Disarray'd* the Simplicity of the Christian Religion with nice *Distinctions*, and subtile *Definitions*, and artificial *Systems* of their own contrivance, it was said by way of Complaint, or *Satyr*——*Ingeniosa res est, Christianum esse*; *'Tis now become a business of Wit tobe a Christian*. So a Man had NOW need be a good *Lawyer* before he can be a good *Subject*; At least, before he can walk *safely*, without being caught by some of these many *Tenter-Hooks* stuck up in his way; For whilst he Innocently intends nothing, but Truly and Heartily to serve his *God* and his *King*, he may unawares, by some of these Statutes, be transform'd into a *Traitor*, or a *Seditious Villain*, and forfeit his *Life* or *Estate*, without having done any thing but what every *Honest Christian* holds himself Obliged unto, on such like occasions.

II. Not only the *Number*, but the SEVERITY of *these Laws*, is very Considerable: How often do we meet with New-minted *Treasons*, and Unaccountable *Felonies* in 'em? Here's *Hanging*, *Drawing* and *Quartering*; Here's *Bride-welling*, *Banishing* and *Selling* of People to *Slavery*; Here's Forfeiting of *Lands*, *Goods*, *Common Right*, and all the natural Privileges of *Free-born Englishmen*; People Convicted in an Arbitrary way, without Trial by their *Peers*; One man punisht for the Act of another. The Poor distressed *Widow*, and the helpless *Orphan*, not escaping their

fury. And for what all this? Not for any *Disloyalty*, Conspiracy, or Disturbing the publique Peace: Not for *injuring* any of our Neighbours or Fellow Subjects: For nothing Criminal by any Law, *Moral* or *Divine*; But only for VVorshipping our *Almighty Creator*, according to our Light, in the best manner we can (after a serious Enquiry) apprehend to be acceptable unto Him. Or for not joining in certain *Rituals* and *Ceremonies*, which the *Imposers* themselves confess to be *Indifferent*, and the *Dissenters* conceive to be either *Sinful* or *Unwarrantable*. In a word, VVe must (if we would have these Laws *continued*) be Destroy'd or Ruin'd in *This* World, meerly because we are not willing to be *Damn'd* in the *Next*. Is it not therefore matter of Admiration, That *Englishmen*, to whom *good Nature* has been esteemed so *peculiar*, that some have observed no other People have a proper word of their *own*, whereby to express it; That *Christians*, whose Badge is *Love*; and especially that *Protestants*, who profess the most *Moderate* Principles, and have always complain'd of *Persecution* as one of the marks of *Antichrist*, should yet advance such an Heap of *Sanguinary* Ruinating Laws? Or if various Provocations, Exigencies and Reasons of State, might excuse the making of them at first; yet who can without *Astonishment* think, That there should any *sober Men* be found amongst us to stickle for their *Continuance*, at a Juncture when *God* and the *King*, The Publique Interest of the Nation, and that of every particular *Party* therein (rightly understood) All join *Suffrages* for their *Repeal*?

III. VVhat's THE END of these numerous harsh *Laws* touching Religion? That which they *pretend* to, is the *Safety of the King*, the Public *Peace*, and *Uniformity*; But the real *Intent* was, to make a *Part* of the People, that call themselves the *Church of England*, Lords of the *Whole*; who thereby secure to themselves, first all the good *Livings*; and next, would afford *no Living* at all, to any that differ from them; *Inter-twisting* their *own* Interest with that of the *Crown*; Tho it be but like *Ivy*, which clings about the *Oak* only to support *its self*, and at the same time sucks away the SAP from the *Tree*, and makes it Languish by *Embraces*. Thus, *No Bishop, no King*, was strain'd much further than the Original Intent of that *Apophthegme*: VVhoso-

ever

ever would not comply with *their Dictates*, was a *Rebel*: In their *Oaths* and *Tests*, they would be sure to *hedge* in something or other for their own Interest.——*You shall not endeavour any Alteration in* CHURCH *or State.*——You must take such a *Test* [That shuts out the PAPIST] But you must *also* (if you will have any Employment) bring a Certificate of your Receiving the SACRAMENT with *the Church of England*. [This debars the honest *Conscientious* Protestant DISSENTER] So the *Church-man* engrosses *all*: And can we blame him for being kind to himself? Or expect he should not represent, under *ill Characters*, whatsoever tends to deprive himself of such Advantages?

IV. But 'tis not so much the *Number*, the *Rigor*, nor the ill *End* of *these Laws*, that urges their *Repeal*, as their intrinsick *Injustice*, and Repugnancy to the Law *Divine*, and Natural *Equity*. For,

1. Since the *Word of God* is acknowledged to be the sole *Rule of Faith*, and no Humane Authority so highly Empower'd, as to bind up our Assents to whatsoever Interpretation it shall please to propose; It clearly follows, That as all the *Children of God*, have equal Interest in the *Testament* of their *Father*, so *no one* amongst them has any right to Impose a *Force* upon the Judgment of his *Brothers*.

2. If we reflect upon the *Difficulties* we must encounter in the way to *Truth*, and withal consider the shortness of our *sight* (for here we *see but in part*; *Veluti per Speculum in Ænigmate*, *as in a Glass darkly*,) there will be found more reason to endeavour the mutual *Assistance* and *Support*, than the malicious *Ruine* and *Destruction* of one another. However, since all have neither equal depth of Natural *Judgment*, nor the same measure of Supernatural *Illumination* (For, *the Spirit bloweth where and how it listeth*) we ought not to attempt so high a Presumption, as to Despise or *Persecute* our Brother for his innocent and blameless *Mistakes*, lest we be found *to fight against God*, who is the free Disposer of his Gifts. We know, *the way of Man is not in himself*, *Jer.* x. 23. *But his steps are Ruled by the Lord*, *Prov.* xx. 24. Therefore did we bear a due respect to our *Maker*, we should be content to await his good Pleasure, who has engag'd himself by his Apostle, *Philip.*

iii. 15. *If any Man be otherwise minded, God shall in time Reveal even this unto him.* Let us Therefore entertain such *an one*, who proceeds in the Simplicity of his Heart, with *Milk*, till he become able to digest *strong Meat*.

3. Force is *Punishment*, and consequently not *Just*, unless the Offence be *voluntary*; but he that believes according to the Evidence of his own Reason, is *necessitated* to that belief; and to compel him against it, were to drive him to Renounce the most essential part of Man, his *Reason*. Why should we be commanded *To try the Spirits*, 1 *John* iv. 1. To *prove all things*, 1 *Thess.* v. 21. If there be not a faculty in the Soul to *Judge* for her self? Why are we enjoin'd, *To hold fast that which we find best*, if after our serious and deliberate *Election*, we shall be whipt out of our Conscience by *Penalties*? To *Believe* what appears *untrue*, seems *impossible*; To profess what we believe untrue, I am sure is *damnable*. And as 'tis certain, whoever swerves from the dictate of his Conscience, commits a *grievous Sin*, *Rom.* xiv. So I conceive, They that endeavour by Force, or the Artifice of *Penal Laws*, *Tests*, *&c.* to draw any Man to Profess or Act contrary to what his Soul believes, are as Guilty of the same Crime. VVhen *you Wound the weak Consciences of your Brethren*, *you Sin against Christ.* 1 *Cor.* viii. 12. How dangerously then do they expose themselves to the just Indignation of God, who by Oaths, Forfeitures, *&c.* both drive others, and fall themselves on the Brink of Eternal Perdition? How desperately do they endeavour to extinguish *the Light of Nature*, which indispensably Obliges all Men *to deal with others as they would be dealt with themselves*? A *Light* placed in *Clear* and *Candid Souls*, to Shine and Guide them; but in *Black Ones*, to Condemn and Burn them. Now who would willingly be Jail'd, or Ruin'd, or shut out of the Government, meerly for *his Opinion*? And if *he* would not be served so, with what Face does he require that *others* should?

4. These Laws are contrary to the Nature and general Tendency of the *Christian Religion*, and opposit to many plain Texts. As, 2 *Tim.* ii. 24. *The Servant of the Lord must not Strive, but be Gentle unto all men, apt to teach, forbearing, in meekness instructing those that are contrary minded, if God peradventure will give them Repentance to the Acknowledging of the Truth.* James iv. 12. *There is one Lawgiver who is able to Save, and to Destroy; who art thou*

thou that Judgeſt another? Or, as 'tis to the ſame purport expreſs'd, *Rom.* xiv. 4. *Who art thou that judgeſt another's Servant? To his own Maſter he ſtandeth or falleth; yea, he ſhall be holden up, for God is able to make him Stand—Let every man be fully perſuaded in his own mind. Haſt thou Faith? Have it to thy ſelf before God; happy is he that condemneth not himſelf in that which he allows:* that is, whoſe Conſcience inwardly accuſeth not his outward Profeſſion. So 1 *Cor.* vii. 12. *If any Brother hath a Wife that believeth not, and She be pleaſed to dwell with him, let him not put her away: And the woman that hath an Husband that believeth not, and he be pleaſed to dwell with her, let her not leave him; but if the unbelieving depart, let him depart; A Brother or a Siſter is not in Bondage in ſuch Caſes; but God hath called us to peace; for what knoweſt thou, O Wife! whether thou ſhalt Save thy Husband? And what knoweſt thou, O Man! Whether thou ſhalt Save thy Wife? As God hath diſtributed to every man, ſo let him walk.* What could be more efficaciouſly ſaid to oblige Chriſtians in Charity and Meekneſs, to forbear one another, than ſo expreſs an Injunction of ſo great an Apoſtle to live peaceably even with an Infidel? And again, 2 *Cor.* i. 24. he denies that even the Apoſtles themſelves have Soveraignty over the Conſcience, but only Commiſſions to aſſiſt the Conſcientious—*Not that we have Dominion over your Faith, but are helpers of your Joy*: Therein exactly obſerving the Orders which Chriſt gave to his Apoſtles, *Go and teach*; not force by temporal Penalties, or external Violence; *And if any receive you not, ſhake off the Duſt of your feet, Matth.* x. 14. not trample on them as Duſt under your feet. Conſonant to which, our Saviour elſe-where inſtructs his Diſciples, *Math.* xxiii. 9. *Be not called Rabbi,* (that is, Maſters in Spiritual matters) *for one is your Maſter, even Chriſt, and all ye are brethren.* To this belongs the patient forbearing the *Tares*, and letting them grow together with the *Wheat*, till the time of Harveſt. As alſo that admirable Preſident of Mildneſs towards the *Samaritans*, who refuſed to receive even Chriſt himſelf, whereupon the Diſciples *James* and *John* would immediately have commanded Fire from Heaven to conſume them, as in the days of *Elias*: But our merciful Lord rebuked their uncharitable Zeal, with this ſweet and tender Reply,—*You know not what manner of Spirit you are of, the Son of man is not come to deſtroy mens Lives, but to ſave them*; Luke ix. 54.

By

By these and many other evident *Scriptures*, I conceive it sufficiently appears, that *Persecution for Conscience* is an unwarrantable Tyranny over the just Priviledges and Liberty of a Christian; whose Religion, as it was not at first Advanc'd in the World by any Methods of Humane Force or Violence, so neither does it need any such Props to Support or Preserve it. And since in our Law-Books we frequently meet with such Maximes as these: ——*That even an Act of Parliament which is against the Law of God or Reason, is void.*——*That if a Statute be* de facto *made contrary to a Fundamental Right either of the Crown or the Subject, or opposite to Natural Equity, it is Null:* It must follow, That so many of these Laws as are so qualifi'd, are either already of no force, but *Nullities, ab Initio*; or at least, That 'tis the *Duty* as well as *Interest*, of every Christian Man, to wish for, and endeavour, in a Regular Course, their Repeal.

And therefore I cannot doubt, but when the particular Persons of whom the Great Body of this Wise and Generous Nation is compos'd, shall have considered (somewhat more calmly and deliberately than their own Passions, or the false Lights held forth before them by some self-interested People, have hitherto permitted them to do) How much every Law of this nature is against the Tenour of the Gospel, and the very Principles of that Sacred Religion which they all profess to own; How unjust and cruel, in punishing Persons for not Acting against the Dictates of their Consciences; How destructive to the Trade and well being of the Nation, by oppressing, discouraging, and driving away the most industrious working Hands; depopulating, and thereby both weakening and impoverishing our Countrey; (which is capable, if due methods of Industry were pursued, of imploying Twice the Number of People as now we have, and yet not a Beggar be left in the Kingdome) Lastly, how contradictory to that Soveraign Rule of Justice which requires, *That no man shall do unto Another, what he would not have done to Himself, under like Circumstances:* When all this I say, shall have impartially been weighed; Methinks there should not be found a Magistrate, nay scarce a Common Subject, either of Substance, Sense, or Conscience, who will not as positively *Renounce* the Execution, or being Accessary to the putting in Execution any Law of this Nature, as he would the becoming Guilty of those detestable Sins, *Murder or Theft.* And so much the rather,

because

becauſe many of them are not only *Unjuſt*, but *Impious* too; profaning the Holy Sacrament, by expoſing it as an Inlet to Secular Employments and Deſigns.

V. If theſe Laws were ever Juſt and Convenient, yet they are now become neceſſary to be Aboliſht, by the Revolution of Things and Acts of Divine Providence. The Reaſons of making them being long ſince chang'd and ceaſed, why ſhould the Laws themſelves be Continued? Since they are now grown *Impracticable*, both in reſpect of the *KING*, and of the *NATION*. A

1. In reſpect of the *King*. Can it be imagined that a *Soveraign Prince*, that has any *Zeal* for that Religion He profeſſes, will tamely ſuffer all thoſe of his *own Communion*, meerly for their being ſo, to be *Ruined and Undone* by the reſt of his Subjects? Our Soveraign happens to be a Roman Catholick; He cannot exerciſe his Religion without ſome Prieſt to Officiate, and yet theſe Laws make it *TREASON* for any ſuch Prieſt to be in *England*; This indeed is not to *Exclude* Him from the *Crown*, but as much as lies in the power of theſe Statutes, to *Exclude* Him from *Heaven*; ſince they deny Him thoſe Means, which he Believes are neceſſarily conducive thereunto. If you ſay his Majeſty may undoubtedly diſpenſe with the penalty of the Laws in that particular caſe, I demand why he has not the ſame general Authority to do it in all other like Caſes? And if the Laws of this kind are fit and neceſſary to be diſpenſed with, and not Executed, why not to be Repealed? Why muſt we keep up a parcel of dangerous Edg-tools not fit to be uſed, yet ſuch as if they ſhould ever fall into ſome hands, may do much more miſchief to the Nation than ever they did formerly?

Again, by theſe Laws, no man muſt *ſerve* the King in any capacity, but ſuch as are not only of a *different Religion*, but who muſt alſo firſt publickly Charge and Declare *HIS* to be guilty of *IDOLATRY*; Nor muſt any, but ſuch as ſhall have ſo declared, come in his *Majeſties*, or his Royal Conſorts *Preſence*, or where either of them reſide; Can Subjects of any Common Modeſty expect or deſire *the King* ſhould approve of ſuch a Law, or not vigorouſly endeavour its Repeal? B

And indeed, let ſome People talk what they pleaſe of their *Loyalty*, this humour of *Mulcting* a Man in his *Temporal Concernments*, for his *Spiritual Perſwaſions*, making *Juſtice* and *Equity* lacquey after the

Capricio's of *Opinion*; and Suſpending *Civil Properties* upon this or that Notion of Religion, is a moſt *Seditious, Embroiling* and *Diſloyal Principle*, for it not only has been, either the very occaſion, or colourable pretence of moſt of the Wars, Inſurrections, Rebellions, Blood-ſhed and Miſeries, that have waſted Chriſtendome for ſeveral Ages: But being once admitted to be *lawful* againſt *any* Sect or Party, or to any tho the ſmalleſt *degree* of *forfeiture*, it may preſently after be ran higher, and ſo far beyond any Boundaries of Reſpect, that it has not ſeldom flown in the face of *Majeſty* it *Self*; Of which he is much a ſtranger to Hiſtory, that cannot give diverſe Examples; And our own Memories muſt be very treacherous, if we have forgot that many of the *ſame Parliament Men*, who at firſt Sacrificed Civil Rights for Nonconformity in *Common Diſſenters*, advanc'd afterwards ſo far, as to endeavour to deprive *His Preſent Majeſty* of his undoubted Right to the Imperial Crown, meerly on the ſame pretence; of ſo dangerous a Conſequence it is to Monarchy, to countenance ſuch Doctrines or Examples in the caſe of the *meaneſt Perſon* in a Kingdom: For by expoſing *Property* for *Opinion*, the Prince expoſes the Conſciences and Rights of his own Family to the Church, upon every Alteration of Judgment, which for ought, he can foreſee, may happen.

From all which Reaſons I infer, That theſe Laws are not *Practicable* in reſpect of the *KING*.

A 2. They are not Practicable if we regard His *People*: For the ſtrict Execution of them but for one year, would certainly *Ruine the Nation*; for beſides the *many Thouſands*, who tho they can *go to Church*, yet dare not receive the *Sacrament* to qualify them for a *Place* or an *Office*, whereby they are rendred incapable of Employment, and conſequently a *National Charge*; Let us but ſuppoſe (and I hope it is but a *modeſt* ſuppoſal) That there are but *One Hundred Thouſand Diſſenters of all ſorts* in the Kingdom, of ſuch a tender Conſcience, as they cannot Comply with, or Joyn in the *Common Liturgy*, and ſo honeſtly Couragious, as to reſolve to *ſuffer* the laſt Extremities, rather than Commit that which they ('tis no matter whether *Truely* or *Ignorantly*) verily apprehend to be Sin; And withal, that they are Perſons of Competent Fortunes, Subſtantial Gentlemen, Active Merchants, Induſtrious *Yeomen*, *Clothiers*, or Retailing *Traders*, (upon whom at leaſt *Five Hundred Thouſand* other meaner People muſt actually depend for their Employ-

Employment and Lively-hood) now for each of these, here *is by ONE of these Acts*, no less then 20 *l.* a Month, that is 240 *l. per Annum*, to be levied on their Estates; which in the whole (if I miscount not) amounts to *Four and Twenty Millions of Pounds Sterling*, in one year. Add to this, the Havock and Spoil made on their *Lands* and *Goods*, in the Levying and Appraising. Besides all other Penalties for Religious *Meetings*, Fines upon pretended *Riots*, Forfeitures upon Excommunications, or constant Rent of *Caution-money to Doctors Commons*; together with the neglect and loss of their Employments, to the ruine of their Dependants, sinking the value and Rents of *Lands*, and decrease of the Publique *Trade* of the Kingdom, and consequently of his Majesties *Revenue*; And that the most part of this *Prodigious Sum*, will be swallowed and devoured by the Rapine of *INFORMERS*, (the dregs and vilest of People, that contribute nothing but *Riot* and *Mischief* to the Publique) Or by the dishonourable Avarice of a few persons that might happen to be in Power or Office; nothing considerable, from all this *mighty Ruine*, accrewing to his *Majesties Coffers*; But still we may say as *Esther*, when the *Dissenting Jews* were by the ill Council of a wretched *Haman*, threatned to be Extirpated,—— The *Enemy could never countervail the Kings damage*, Esther 7. 4. So that upon the whole, what we asserted, may reasonably be believ'd, That the *exact Execution* of these Penal Laws would in *one years time*, bid fair for the *Ruine of the Nation*; And if they would be so *horribly dammageful* to the Publique in their Execution, why should any person of a Free, Generous, Publique, Christian Spirit, be for their *Continuance?*

VI. Especially since these *Coercive Statutes* about Religious Apprehensions are altogether *Useless* and Ineffectual to those Ends for which they pretend to be Design'd, having never yet *succeeded*; but on the contrary, have caused unspeakable *Confusions* to the *People*, and *Vast Damages* to the *Prince*, where-ever they have been attempted. As is confirm'd by all History; And the Reason thereof is obvious in Nature, for when any Persons are persecuted for their *meer Religion*, whilst in all other respects, they demean themselves as grave innocent *moral men*, good Neighbours, and obedient *Subjects*, every Body that has not divested himself of all *good Nature*, and surrendred his Understanding absolutely Captive

to the *Bigottry* of ſome particular cruel and inhumane *Opinion*, is apt to commiſerate them, and from that *Sympathizing* with their Sufferings, is led to enquire after, and *Symbolize* with their Sentiments; which perhaps otherwiſe he had never underſtood, or regarded. Moreover the relying thereon as ſo very neceſſary, ſeems to be a Calling Gods Wiſdom or Power in queſtion, as not foreſeeing *how*, or being *unwilling* or *unable* to ſecure his *Religion* and *Worſhip* without *humane Force*; Which in his *Word*, he is ſo far from *requiring* or *allowing* to any ſuch End, that he expreſly enjoins the Contrary. And aſſures us that the *Wrath of man worketh not the Righteouſneſs of God*. And 'tis to me matter of amazement, that any that would be accounted ſeriouſly Religious, eſpecially that own themſelves *Diſſenters*, ſhould appear men of ſo little Conſcience, as to oppoſe an Eſtabliſhment of *Liberty of Conſcience* for ever, by an Abſolute Removal of all thoſe *Laws*, *Teſts*, *&c.* that Infringe it.

VII. But ſince many that would be thought Enemies to all *Perſecution*, and inclinable to the taking away of the Penal Laws, yet ſeem to ſtruggle zealouſly for the continuance of the TESTS, as the only Bulwark to preſerve us from an Inundation of *Popery*, and conſequently from that very *Perſecution* which we would obviate by this Repeal; I muſt crave leave to re-mind them, That the TESTS are a main part of theſe very *Penal Laws*; For he that meerly for holding, or not renouncing ſuch or ſuch a *Religious Opinion*, ſhall be Debarr'd of thoſe Rights, Priviledges, or Advantages which otherwiſe he might pretend to, and Enjoy, is really as much a Sufferer for Conſcience in *kind*, tho not in *Degree*, as he that is actually put to Death for the ſame. And by parity of Reaſon, *the one* may be juſtified as well as the *other*; For if once the maintaining a Tenet in Religion contrary to the Publique Eſtabliſhment, and yet no way againſt the Moral Law, ſhall be made matter of Offence, or any way *Criminal*, by the *Civil Law*; where ſhall we ſtop? Or by what Rules ſhall we limit the *Penalty*, other than meer will and pleaſure? Since thoſe that fancy themſelves *in the Right*, and have Power to back them, will ſeldom, fail to *blacken* thoſe they ſay are in the *Wrong*, with the moſt Odious Characters and Aggravations.

By inſiſting on ſuch Methods, we do by our *own Practice*, in effect,

effect, approve of the Ground of those Rigors for which we have so loudly blamed *others*: But by an utter Renunciation of the *Persecuting Principle*, in all its Branches, we do in some respect Disarm *Papists*, or others, from making use of the same VVeapons against our selves; At least, we shall suffer both the more honestly and chearfully, when they cannot justly Charge or Upbraid us with having pursued the same ill Measures. Let us not flatter our selves with hopes of *Security* and *Preservation* from Expedients that we cannot with a good Conscience justify: *Fiat Justitia, ruat Mundus*; Let us contribute our share to do *Equal Right* to all our Fellow Subjects, without dreading any supposed ill Consequences that may follow, but having faithfully discharged our own Duty, fiducially trust Divine *Providence* to Govern the World.

For if it be Imposed upon men to worship God after such a manner, or with such *Ceremonies*, or to make such or such *Declarations* of their Opinions, which they pretend at least to scruple in their Consciences, lest they should thereby offend God; whether their Consciences be so or not, is only known to His *Omniscience*; If they *dissemble*, He will punish their *Hypocrisy*; If really it be against their Consciences, where there is *no Sin* in the Nonconformity, they neither ought to *do*, nor be *Punisht* for not doing it; The matter being meerly *Spiritual*, the Searcher of Hearts can only determine and judge thereof, and not Man. For to believe so, or not so, is not in the Magistrates power to *Enjoin*, therefore not to *Punish*. VVe are to leave it to God to perform his own works, who is the most skilful Operator, and his ways past finding out; bringing his own Purposes to effect by such means as best pleaseth him, and often above our comprehension. He hath no need of *an Helper*, nor is any Essence capable of Assisting him; The *Preservation* and *Restauration* of the Church, is a work of Divine Power, as well as the *Edification* of it. And those that Impose on Consciences, and would pretend to help God by that irregular way, to save Souls, or preserve themselves, presume too much on their own Conceits, and have too little veneration of his *Word* and *Omnipotency*.

A VIII. I will not alledge, That the Imposing of these *TESTS*, deprives many of their just *Rights*, as particularly the *PEERS*, who being born Hereditary Members of the Kings *Great Council*, cannot, I conceive, Forfeit that Title, but by some offence which also Forfeits both their Honour and their Lives. But this I think I may Avow, That the King by the Law of Nature, and the Fundamental Constitution of this Realm, has a Right to command the Service of *all his Subjects*; Nor do I understand how he can by any *Positive Law* be deprived thereof, or they discharged from their *Attendance* and *Duty*, when ever he shall find it necessary or expedient to require it. For I observe by the current Usage of all Times, and constant Opinion of our Judges, That the King has ever been acknowledged to have a Power of Dispensing, by a Clause of *Non-Obstante*, with any Act of Parliament meerly prohibitory of any thing that is not *Malum in se*.

B For indeed, a contrary Method (especially in *This* Case) seems to imply an Inroad upon the Soveraign Rights of *Monarchy*; An Engrosment of the Service and Favour of the *King*, to a peculiar *Sect* or Party, perhaps not truly comprehending more than *One Fourth Part* of the People of his Dominions; A setting up the *MITRE* in equal Competition with, or rather Superiority to the *CROWN*: As if *Conformity* or *Non-Conformity* to certain Ecclesiastical *Dogma's* or *Ceremonies*, were the *Standard* and Measure of the Subjects *Loyalty*, or their *Princes* Paternal *Favour* and *Protection*. And what is all this but to streighten and *Cramp* up the *Universal Interest* of the Government, to the Narrow Dimensions of a **Diocese**? To Out-law more than half the Kings Loyal People, at every Blast of the Clergy-mans Horn? And in fine, to Advance not only Desolating Miseries at Present, but sow and nourish perpetual Seeds of Discord and Faction *in a State*? Since those that apprehend themselves unjustly oppress'd and debarr'd of their Native Rights and Priviledges in common with their other Fellow-Subjects, and especially agriev'd in the most tender part of their Souls, the due *Worship of their God*, whereon depends not alone their Comfort in this World, but all their hope of a Blissful Eternity, will be apt (for we find the *Best* men have their *Blind Sides*, and *Religion* does not strip us of *Natural Affections*) to be Male-content, Uneasie, and

ready

ready to ſtudy *All Means* (in which Zealous Ardour they may poſſibly ſtumble on ſome *Indirect Ones*) to remove thoſe *Lakes*, and ſupplant ſuch as they take for their *Enemies*: And at the ſame time our *Prince* and *Country*, by ſuch fatal Conduct, may happen, in any grand *Shock* of Fortune, as a *Foreign War*, or *Domeſtick Inſurrection*, to want the *Counſel* and *Service* of many of the Ableſt *Statesmen* or Braveſt *Commanders* in the Kingdom, becauſe they are one way or other Diſabled, and their Employment forbid, unleſs they will firſt ſubmit to certain *Religious Notions* or *Rituals*, which their Conſciences neither approve of, nor can comply with.

Touching the danger of being over-whelm'd with Popery upon a Removal of the *Teſts*, I have ſaid ſomething elſe-where [*See the Animadverſions on the late Letter to a Diſſenter.*] That his Majeſty is content we ſhall have what juſt Security the Wiſdom of the Nation ſhall propoſe, to allay thoſe Apprehenſions; and that 'tis nothing impoſſible to find out Effectual Expedients for that purpoſe, without impoſing any Clogs upon Mens Conſciences.

There is an Objection which makes a great Noiſe with ſome People, *viz.* That there is no wrong done *Roman Catholicks* by excluding them from all Places and Preferments, eſpecially from all ſhare in the *Legiſlative* Power, becauſe they have in effect precluded themſelves, by owning a Foreign *Head*, to wit, the *Pope*: But this I think rather to be a *Popular* than *Cogent* Argument; For that *Headſhip* they aſcribe to him, I take to be only in matters of Faith, and purely *Spiritual*; For otherwiſe they acknowledge, That this Realm is a Soveraign *Independent Kingdom*; conſequently that the Biſhop of *Rome* has no Civil or Temporal Juriſdiction here; Nor do any Foreign *Canons* or *Decrees* of *Councils* bind here, until received and allowed by common Aſſent. And accordingly we find in the *darkeſt times*, many Acts of Parliament made to reſtrain the Encroachments of *that See*; witneſs the *Statute of Proviſors, &c.* So that how they ſhould meerly for ſpeculative *miſtaken* opinion, deſerve to be diveſted of, or abridged from the Natural Priviledges of free-born Engliſhmen, I am not able at preſent to penetrate into. At worſt, in the *General Act* for Settlement of *Liberty of Conſcience*, ſufficient *Proviſions* may be made to prevent any ill Conſequences thence like to enſue;

enſue; which I always pre-ſuppoſe, and take for granted, (becauſe Frankly offered by *His Majeſty*) in all Diſcourſes on this Subject.

IX. As the Teſt of 25 *Car.* 2. tho it ſeems Levell'd againſt Papiſts, does by that Connexion of having received the Sacrament, as well exclude all other Diſſenters from any place of Profit, Honour, or Truſt; So in the other of the 30 *Car.* 2. it has been ſhrewdly urg'd by a late Writer, Whether *all Proteſtants*, eſpecially thoſe of the *Church of England*, (who grants a *Real Preſence* in the Sacrament, only declines to determine *the manner*, and who delights both to call her Miniſters, *Prieſts*; her Communion Table, an *Altar*; and practiſes *Bowing* towards it, and Enjoyns Receiving *Kneeling*) It may, I ſay, be a Queſtion, whether *all her Sons* can ſatisfactorily to their own Conſciences, take ſuch a Teſt as that, wherein they muſt ſolemnly in the *Preſence of God Teſtifie and Declare, That they do Believe, That there is* NOT ANY TRANSUBSTANTIATION, *&c.* And that the SACRIFICE OF THE MASS, as now uſed in the Church of *Rome*, is IDOLATROUS; For a man may be far from Believing Tranſubſtantiation, or thinking the Sacrifice of the Maſs warrantable; and yet ſcruple to ſwear, That *there is not any* B *ſuch thing* as the one, or that the other is formally *Idolatrous*.

Laſtly, *Penal Laws* of any kind, for meer matter of Conſcience, are a *Grievance* that all ſorts of Perſwaſions amongſt us, have in their reſpective Turns loudly *Complain'd* of, and *Condemn'd*. The Proteſtants upbraid Papiſts with the *Cruelties* Acted by *Bonner* and Others, under Queen *Mary*: And the Papiſts ſpeak hard of their *Sufferings* under Queen *Elizabeth*: Nay, many *Proteſtant Non-Conformiſts*, through the over-ſharp Conduct uſed (by ſome Peoples Inſtigation) towards the latter end of that *Excellent Princeſs*'s Reign, *ſmarted* very ſeverely, (ſome of them even unto *Death*) who failed not to Remonſtrate againſt ſuch Proceedings.

So when the *Church of England* her Self was in a Perſecuted State, A under the late *Uſurpers*, ſhe appear'd an Advocate for *Toleration* in oppoſition to all Force upon Conſcience; Witneſs that Incomparable Treatiſe, Entituled, *The Liberty of Prophecying*, written then by one of her moſt Learned *Doctors*, afterwards a Reverend *Prelate*. Nor can many of her Sons to this very day, forbear Reproaching

proaching the *Presbyterians*, *Independents*, &c. for their Unchristian Rigors against Church-men in those times; whilst the latter cry, *If Persecution were such an Evil in us, why would you imitate us therein?* And so they fall to *Recrimtnate* for the Severities used towards *Dissenters* for the last five and twenty Years.

By all which 'tis plain, That every Party thinks Persecution for Conscience to be *a very bad thing*, when it happens to be their *own case* to be passive in it; and are all for *Indulgence* and *Toleration* as often as they have *need* of it. Therefore for as much as Providence has permitted the *Wheel* to go round. and every Party has had their share, as in the *Sin* of *Persecution*, so likewise in *Punishment* by it; and that they all have found by Experience, how *irksome* it is to bear: And since what has been, *may be*, unless care be taken to prevent *Effects*, by removing their *Causes*. This therefore is certainly the *happy Juncture*, to obviate for ever the return of any such Mischiefs, when his Majesty is graciously willing to Establish our *Religions* freedoms by a *Magna Charta*, for us and our Posterity: And at once, put a final Period to all these *Ruinating Laws*, which 'tis both the *common Interest of all the Parties*, and that of *every one* of them in particular, to have taken away and Buried in perpetual Oblivion.

'Tis their *common Interest*.

1. Because these Laws have been the continual occasion, not only of publique *Broils*, but private *Feuds*, throughout the Nation, giving every *ill-natur'd* man an opportunity to *Stigmatize* any of his Neighbours with some Nick-name of *Religion*, as a *Phanatick*, a *Papist*, a *Presbyterian*, an *Anabaptist*, a *Whigg*, or the like; and by that means presenty ruine his *Reputation*, *Trade*, *Employment*, *Estate*, or *Person*. But this *Universal Liberty* rightly Established, Buries all terms of Reproach, or renders them Insignificant; and Disarms the *Furious*, and Charms the *Envious*, and Muzzles the *Malicious*, and restrains the *Fire* and *Sword* of Bigotted Zealots; and gives Encouragement to the *Modest*, and Security to the *Innocent*, and Silences for ever the *Jealousies* of those that are, or fear to be under the like Oppressions or Ill-usage; and consequently extirpates those *Animosities*, that had almost Banisht all *Civil Conversation and good Neighbourhood* out of a Kingdom, which was heretofore (next to the Fame of its *Martial Prowess*) most Celebrated for its Inhabitants *endearing Kindness* to each other, and generous *Hospitality*.

2. Becauſe of the publique *Civil Advantages* that thereby will accrue to all Parties, ſince 'tis the *only Foot* whereon a laſting Flouriſhing condition of the whole Kingdom can be Eſtabliſht; in the welfare whereof, every Individual Subject is concern'd. 'Twas therefore an *Apothegm* worthy of our Royal Maſter, *He cannot be a TRUE ENGLISH-MAN in his Heart, who is not for LIBERTY OF CONSCIENCE.* And for my part, if we muſt have ſome *Teſt* or other, I wiſh it might be only *That.*

I will not abuſe the *Readers* patience ſo far as to Recapitulate all thoſe *National Advantages*, having pointed at them already; As, Security to the Government, Encreaſe of People, of Trade, *&c.* But ſhall crave leave of a late Author (no leſs Judicious than Ingenious) to recite ſome of his words (with ſome little variation) relating to the matter I am now Diſcourſing of.

This Coercion [in matters purely *Religious*] is the old Diſturber of *States*, the Deſtroyer of *Properties*, the Depopulator of *Kingdoms*, the Enemy of *Humane Nature*, of kind *Neighbourhood*, and of all *Conſcientious Religion*; For at beſt, it either makes men but *Religious by rote*; which indeed is *no Religion*; or *Conformable* for *Fear* or *Intereſt*, which is nothing but baſe *Hypocriſy*; That is, The worſt ſort of *Irreligion.*

Beſides, It *ſaps* and *confounds* the nature of Government, by rendering the Meaſures of *Loialty*, not to be that Love, Honour and Obedience, which all Subjects are bound to pay to their Prince; but *Conformity* to the the Clergy, and that mode of *Religion* which happens to be in faſhion: Now this deſtroys the true Dependence and Obligation in Government, and expoſes the Lives, Liberties, and Eſtates of the People to the frequent Revolutions of *Religion*, whereas the ſame ought to ſtand fixed and ſacred upon the common and undeniable Principles of Civil and Juſt Government.

The King is *Pater Patriæ*, our Political Father, and we are all his Children, and ſhould be Comforted under the Indulgent Wings of his Juſt Power and Favour. They do ill Offices in the great Family of the Kingdom, that would excite the Father to *Diſinherit his Children*; and thoſe *Vertuous too*, meerly for the *ſober Exerciſe* of a *Diſſenting Conſcience*, about matters relating to the other World. This is Practical and very impolitical *Reprobation* for Speculations; and Sacrificing Nature and Morality to the Nicety of an Opinion, which perhaps ſome times neither of the Contending

ing Parties truly undeſtand: Nay, this is to Engroſs *Caſar* by a Party, and to Monopolize him from the reſt of his People; A Treſpaſs againſt the very *Nature* and *End* of Government.

3. 'Tis undoubtedly the Intereſt of every *Engliſh-man*, to preſerve the *Liberties* and *Properties* of their Fellow Subjects, as well as their own; And thoſe *darling priviledges* were never any way ſo much *entrenched upon* and violated, as by theſe cruel Laws of Perſecution, for meer Religion; And every wiſe man, when he ſees his Neighbour (tho differing in Judgment from himſelf) perſecuted and deſtroyed, for what ought (at worſt) to be called his *Miſtake*, rather than his *Fault* (for no man can *Believe* againſt his Judgment, or take an *Oath* againſt his Conſcience, without Sin) will preſently conſider, That though it be his Neighbours turn *this* Year, it may be his own, or his Childs caſe the next Year, or the next Reign; and ſo no nans Life, Liberty, or Property, can be ſecure, if ſuch Laws continue, bnt only ſuch as have a Conſcience fitted for *all Changes*, and every *Religion* that is uppermoſt; and who for that cauſe are as unfit to be *Truſted* by their Neighbours, as by the Government.

By theſe and many other Reaſons that might be enumerated, it ſeems to me very clear, That the removal of all theſe *Penal Laws* is the true *common Intereſt* of all the ſeveral Parties.

That the ſame is likewiſe the *peculiar Intereſt* of each Party conſidered by it ſelf, has been very amply Demonſtrated in that excellent Treatiſe, Intituled, *GOOD ADVICE, &c.* Whereto I could never yet either in *Print* or *private Diſcourſe*, meet with any thing like an *Anſwer*.

Indeed, as to the *Roman Catholic's*, 'tis undeniable, That they both *know* it to be their *Intereſt*, and vigorouſly purſue it, by endeavouring to Husband the preſent opportunity of obtaining it, under the *Auſpices* of a Prince of their own Communion; yet to prevent any *jealous Suſpitions*, appear frankly willing, to admit *all others* into the *ſame freedom*; And withal, to Embrace any *Civil Fence* that may, by the *Great Wiſdom of the Nation*, be raiſed for fruſtrating all *Inroads* that may be attempted to be made thereon, by themſelves, or any other party, hereafter.

The *Proteſtant Diſſenters*, as they have the *ſame*, and far greater Reaſons (Circumſtances conſidered) to join therein, will not, I hope, be either leſs mindful of their own *peculiar Intereſt*, or

behind hand in their *Charity* to include others, as well as themſelves, and render it *perpetual*; For unleſs it be both *Univerſal* and *Equal to all Parties*, it cannot prudently be expected to be *Permanent*.

What ſeems moſt difficult, is, To convince the *Church of England*, (which values it ſelf as *eſtabliſht by Law*) That it is *HER true Intereſt*, as well as that of the *other Two*, to part with theſe *Penal Statutes*, which ſeem to Corroborate *Her*, and give her power to *Cruſh* either of them, as ſhe ſhall find an opportunity, for her Advantage: But this requiring a *larger Diſcourſe*, I ſhall ſhortly (God willing) endeavour to ſatisfy thoſe Gentlemen (if any further ſatisfaction be yet needful) in a particular Tract on that Subject.

I will not run into that Extravagant Humour of a *merry Gentleman*, who told me the other day, That the *Romaniſts* had got the *Power*; and the *Church-men*, the *Law*; and the *Diſſenters*, the *Goſpel*, on their ſide. But this I cannot but ſay, That *our Soveraign* points us out a way to Reconcile *all Three*, *vizt.* That the *Goſpel* ſhall have its free Current; The *Law* no longer be made uſe of to ſupport a *Faction*; And *Power* be only Exerciſed for a Terror to *Evil-doers*, and a Praiſe to *thoſe that do well*, in the *Moral* and *Political* Concernments of *Humane Life*, and not otherwiſe.

Therefore upon the whole matter, if it ſhall appear on an impartial Survey, That theſe *Penal* Laws, are in their own Nature Oppreſſive and Unjuſt, contrary to the Law of God, miſchievous to the Publique welfare of the Kingdom, Contriv'd at firſt only to ſerve particular Factions and By-Ends; Condemn'd by all ſides in their moſt ſober thoughts; that is, whenever they apprehend it may be their own turn to Suffer by them; If they tend to *Profaneneſs* and the *Scandal* of Chriſtianity, by proſtituting the moſt *Sacred Ordinances*, as Qualifications or *Inlets* to Secular Advantages; If they are not without juſt Scruples and *Exceptions*, as to their Validity, and Impracticable in their Tendency, and Uſeleſs in their Effects, and that their due *Ends* may much better be ſupplyed by Teſts and Proviſions *purely Civil*; then it cannot misbecome any, but is both the *Intereſt* and the *Duty* of every honeſt Engliſh-man to wiſh and heartily Endeavour their Aboliſhment. And to advance, in their ſtead, ſuch a ſafe and laſting Eſtabliſhment for the *Freedom of Conſcience*, as may tranſmit the Happineſs we at preſent enjoy, to our Poſterity.

I

I ſhall conclude theſe Remarques with an *Illuſtrious Inſtance*, That it is not ſo ſtrange a thing as ſome (none of the *beſt* Subjects) would ſuggeſt, for a *Roman Catholique* Prince to be ſeriouſly againſt impoſing on Conſcience, and conſtant in maintaining Indulgence towards *Diſſenters*. I mean the Emperour *Maximilian* the Second, (of the Houſe of *Auſtria*, a Family as zealouſly devoted to the Church of *Rome*, I think, as moſt in the World) of whom a Proteſtant Hiſtorian, *Henricus Gutberletus*, in his Chronology, gives this following Teſtimony: Which I ſhall recite in his own Words:

" *Cæpit Imperare Anno* 1564. *& Imperavit Annos* 12. *Princeps* " *laudatiſſimus, Pietatis, Pacis & Æquitatis ſtudioſiſſimus, in cujus* " *Ore & Pectore frequens fuit hoc Symbolum:* Dominus Pro- " videbit; *Propter Religionem tot opinionibus ac Sectis laceratam ac* " *diſtractam ex animo dolebat, Interim erga* Evangelicos *æquus, idque* " *ob* HANC RATIONEM, *Quod non ſolum* INIQUUM " *ſed etiam* IMPIUM *judicaret* CONSCIENTIIS IM- " PERARE, *quod hoc nihil eſſet aliud quam Cœli aream invadere.* " *Et ſane ipſo facto hoc comprobavit. Nam Paſſavienſem Pacifica-* " *tionem tutatus eſt, & Auſtriacæ Nobilitati Auguſtanæ Confeſ-* " *ſionis Doctrinam Anno* 1568. *permiſit.* In *Engliſh* thus.

" He came to the Empire *Anno* 1564. and Reigned 12 years, " a Prince deſerving the higheſt praiſe, moſt ſtudious of Piety, " Peace, and Equity, who had often not only in his Mouth, but " in his Heart that Motto, *God will provide.* He was ſeriouſly " grieved that Religion ſhould be ſo torn and rent to pieces by " ſuch variety of Opinions and Sects; yet ſtill was kind and " favourable towards the Evangelicks [or Proteſtants] and " that for *THIS REASON*, becauſe it was in his Judge- " ment not only *UNJUST*, but *IMPIOUS*, to Command " or Domineer over Mens *CONSCIENCES*, ſince the ſame " was no leſs than to Invade the *PREROGATIVE OF* " *HEAVEN*; And verily he made good his *Words* by his " *Deeds*, For he both Defended and kept inviolate the Pacifica- " tion of *Paſſaw*, And in the Year 1568. permitted the Doctrine " of the Confeſſion of *Aiſpurg* to the Gentry of *Auſtria*.

May his Majeſty, as he hath happily begun, proceed, not only to *Imitate*, but exceed both in Length of Days, and laſting Renown, this *Great* and *Good* Emperour; And may all good Subjects

readily

readily Comply with his Majesty's Gracious Intentions; That God may delight in us, and say as of old, *Jer.* 34. 15. *Ye have done Right in my sight, in proclaiming* LIBERTY *every man to his Neighbour.* Quod faxit Deus.

Postscript.

THough *Persecution* has too generally prevail'd in the World, yet these have not been wanting *wise* and *good* Men, that have in Ancient times given their Suffrages on behalf of *Toleration* and *Indulgence* to those of different Opinions. Of which I shall subjoin an Example or two.

Lactantius, who flourisht about the Year of our Lord 300. wrote a particular History of the Death of the Primitive *Persecutors*, lately Translated into *English*: And the same Father, in his Treatise Intituled *Divine Institutions*, *L.* 1. *Cap.* 20. has this notable Discourse, "*Longe Diversa sunt Carnificina & Pietas, Nec potest aut* "*Veritas cum vi, aut Justitia cum Crudelitate conjungi. O quam* "*honesta Voluntate, &c.* " Piety and Butchering of Men, are " things very different; Nor can either *Truth* be joined with " *Force*, or *Righteousness* with *Cruelty*. O with what an honest " Intention do many poor People wretchedly mistake! They are " sensible that there is nothing more excellent among Men than " RELIGION, and that the same ought with their utmost " endeavours to be Defended; but in the proper kind of its De- " fence, they are deceived; For Religion is defended not by *Kil-* " *ling*, but *Dying*; nor by *Fierceness*, but by *Patience*; not by " *Wickedness*, but *Faith*; for *Those* are weapons of *bad* Men, but " *These* of the *Good*. And if you should go about to defend Religi- " on with *Blood* and *Tortures*, or any *Ill Arts*, the same will not " be *Defended*, but *Defiled* and *Violated*; There being nothing so " VOLUNTARY, as RELIGION; in which, if the " Mind be Averse, it presently ceases, and becomes no Religion " at all.

Ammianus

Ammianus Marcellinus tells us of the Emperour *Valentinian*, that he became Renowned by *the Moderation of his Government*, 'in that 'he did not Interpoſe in the Diverſities of Opinions, ſo as to di-'ſturb or puniſh any of his People; laying no Injunctions on their 'Belief; Nor with threatning Edicts, make his Subjects bow 'their Necks to the Worſhip that himſelf Eſpouſed; but left all 'things in that kind, in the ſame poſture as he found them.

I could not the other day, Read without an *Aſteriſm*, that Paſſage of *Zaga Zabo*, a Biſhop of *Ethiopia*, and Ambaſſador of *Preſter John*, recorded by *Damianus a Goes*, 'It 'is (ſays he) a ſad thing, that Chriſtian Strangers 'ſhould be ſo harſhly treated like Enemies, as I have been here; It 'would be far more convenient to ſupport all Chriſtians, be they 'Grecians, be they *Armenians*, be they *Ethiopians*, be they of any 'one of the ſeven Chriſtian Churches, with Charity and Love of 'Chriſt; and to permit them to Live and Converſe amongſt other 'Chriſtian Brethren, without any Injury, becauſe we be all Chil-'dren of one Baptiſm, and do hold the true Faith; And there is 'no reaſon to Diſpute ſo ſharply touching Ceremonies, but rather 'that every one ſhould obſerve and keep his own, without hating 'or troubling others; And none to be Excluded out of the Com-'merce of the Church, altho being a ſtranger in other Provinces, 'he keep and obſerve the Cuſtoms of his own Countrey.——

De Moribus Æthiopum.

Will not this Diſcourſe from a *Moor*, make us *European Chriſtians* Bluſh? Behold! a Man come from the utmoſt parts of the Earth, to teach us that Moderation and Mutual Forbearance, the practice whereof too many of us do not only *Neglect*, but wilfully *Oppoſe*.

☞ It may poſſibly be expected, That I ſhould now make ſome *Apology* for *my ſelf*; after having been called a Thouſand times *Rogue* and *Papiſt*, and Induſtriouſly Libell'd in *News-Letters* (as they call them) throughout the Nation: There are a ſort of little People, whoſe very *Religion*, is telling of Stories, and their Livelihood, nothing but *Slaunder* and *Goſſiping*; But I am not at leiſure to attend their *Back-biting Whiſpers*. Had I regarded the Barking of every *Cerberus* (Animals with *three Heads*, a *double Tongue*, and no *Brains*) I might long ago have been *Deaf*. Ever

Ever since I was capable of understanding any thing of *Religion*, I have thought *Liberty of Conscience* to be the *Birth-right* of Mankind by a *Charter Divine*; and hitherto I am not convinc'd of being mistaken.

Whatever I have heretofore written (and as *in Multiloquio*, so in *Multa Scripturiendo, non deest vanitas*) was mainly design'd against the *Spirit of Persecution*, which where-ever it appears, I take for a Badge of *Antichristianism*. This is *that* which I now (as formerly) oppose; *This* it is, which I would *still Explode*, The contrary *Freedom*, to be perpetually Establisht, is all that I would now Advance. This is my *Post*, from which, by the *Divine Assistance*, I will never recede; And in adhering to Christian *Truth*, and Moral *Vertue*, and a Publique *Good*, and a Generous *Honesty*, I will contemn all *Scandals*, all Imaginary Bug-bears of ensuing *Dangers*, *Losses* or *Disgraces*; Satisfied with this, That he is both *Safe* and *Happy*, and *Rich* and *Honourable* enough, that endeavours with *Integrity* to serve his Countrey, whilst he *Lives*, and has a *Fiducial Hope* (through the *only Merits* of the ever Blessed JESUS) to reach *Heaven* when he *Dies*.

THE END.

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